



Protocol for Closure of Delta Waterways

**Completed in compliance with the Flood Emergency
Action Team (FEAT): Initiative Number 7**

Governor's Executive Order W-156-97

**Approved by the Standardized Emergency Management
System (SEMS) Advisory Board on November 21, 1997**

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Protocol for Closure of San Joaquin/Sacramento Delta Waterways

Purpose

This protocol describes the process for placing restrictions on vessel traffic on the San Joaquin/Sacramento Delta waterways during periods of high water levels and flood events that involve conditions of disaster or extreme peril to the safety of persons and property. Restrictions will provide for flood fight priorities and control of vessel wakes that may exacerbate levee erosion or overtopping. This protocol will be subject to review annually.

Definitions

Sacramento - San Joaquin Delta

The Sacramento- San Joaquin Delta is the area identified in Section 12220 of the Water Code (see boundary map attached)

Local Emergency

Defined in Government Code Section 8558 (c) as “...duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a county, city and county, or city caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease the Governor’s warning of an earthquake or volcanic prediction, or an earthquake, or other conditions, other than conditions resulting from a labor controversy, which conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of that political subdivision and require the combined forces of other political subdivisions to combat...”.

State of Emergency

Defined in Government Code Section 8558 (b) as the “...duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal

infestation or disease, the Governor's warning of an earthquake or volcanic prediction, or an earthquake, or other conditions, other than conditions resulting from a labor controversy or conditions causing a 'state of war emergency', which conditions, by reason of their magnitude, are or are likely to be beyond the control of the services, personnel, equipment, and facilities of any single county, city and county, or city and require the combined forces of a mutual region or regions to combat...".

Authorities

Local

Government

Penal Code Section 409.5 (a) "Whenever a menace to the public health or safety is created by a calamity including a flood, storm, fire, earthquake, explosion, accident or other disaster, officers of the Department of the California Highway Patrol, police departments, marshal's office of sheriff's office....may close the area where the menace exists for the duration thereof..."Cities and counties may also have ordinances that address boating restrictions within their jurisdictional waters.

State

OES

Government Code Section 8587 "During a state of war emergency, a state of emergency, or a local emergency, the director [of OES] shall coordinate the emergency activities of all state agencies in connection with such emergency, and every state agency and officer shall cooperate with the director in rendering all possible assistance in carrying out the provisions of this chapter."

Government Code Section 8570 (i) states the Governor may "Take all other preparatory steps, including the partial or full mobilization of emergency organizations in advance of an actual emergency..."

Government Code Section 8573 "The Governor may cooperate with the President and the heads of the armed forces and other agencies of the United States, and with officers and agencies of other states, on matters pertaining to emergencies; and he may take steps he deems necessary to put into effect any rules, regulations, or suggestions made by such persons or agencies."

Government Code Section 8632 "State agencies may provide mutual aid, including personnel, equipment, and other available resources, to assist political subdivisions during a local emergency..."

Government Code Section 8607(d) requires the use of the Standardized Emergency Management System (SEMS) to be used by all state agencies “to coordinate multiple jurisdiction or multiple agency emergency and disaster operations.

California Code of Regulations Sections 2401 “State agencies must use SEMS. Local government must use SEMS by December 1, 1996 in order to be eligible for state funding of response-related costs...”.

**Dept. of
Boating
and
Waterways**

Harbor and Navigation Code Section 660 (b) “The Department may make special rules and regulations governing the use of boats or vessels on any body of water within the territorial limits of two or more counties, cities, or other political subdivisions if no special rules or regulations exist or if the department determines that the local laws regulating the use of boats or vessels on that body of water are not uniform and that uniformity is practicable and necessary...”

Harbor and Navigation Code Section 63.9(e) “In addition to the other powers specified in this division and in Division 3 (commencing with Section 399, the department may do any of the following:

...

(e) Adopt any rule or regulation or take any action it deems reasonable and necessary to carry out the provisions of this division.”)

Harbor and Navigation Code Section 650 “It is the policy of this state to promote safety of persons and property in and connected with the use and equipment of vessels and to promote uniformity of laws relating thereto.”

**Federal
Authorities**

Title 33 Code of Federal Regulations, Sections 2.05-25, 2.05-27, 2.05-30, 3.55-15, and 3.55-20 identifies the navigable waters under the authority of the U.S. Coast Guard that includes the Sacramento-San Joaquin Delta.

Title 33 Code of Federal Regulations, Sections 162.205 identifies U.S. Coast Guard authorities to control vessel traffic.

Concept of Operations

**Without
any Emergency**

Proclamation Emergency situations such as projected high water events, flooding or emergency operations may require restrictions on vessel movement in the Sacramento-San Joaquin Delta waterways. Without any emergency proclamations in place, the local government may under penal code, or any existing local ordinances may restrict non-essential vessel traffic on waters within their jurisdiction. The U.S. Coast Guard has authority to restrict commercial vessel traffic. Any agencies requiring non-essential or non-commercial vessel restrictions should contact the County Sheriff of the jurisdiction where the restrictions would be required. Any agency requiring commercial shipping restrictions, should contact their local Office of Emergency Services, who will forward the request to the State OES Regional Administrator. State OES will convey the request to the U.S. Coast Guard Captain of the Port.

Requests for restrictions on recreational or commercial vessels should indicate the following information:

- agency or jurisdiction requesting restrictions
 - the reason for the restrictions (e.g., debris, unsafe water velocity, emergency work, etc.)
 - type of restrictions and/or advisories (e.g., speed controls, nonessential recreational vessel restrictions)
 - duration of the restriction and/or advisory
 - special considerations (e.g., day time or night restrictions only, etc.)
 - process to review and remove restrictions
- Verbal requests should be followed by faxed verification.

**Local
Emergency
Proclamation**

During a locally proclaimed emergency, the local government may activate their Emergency Operations Center (EOC) to coordinate emergency operations between the field Incident Command Posts (ICP) and the EOC. Local agencies requesting vessel restrictions will contact their local Sheriff's Department. The local emergency manager will inform the Regional Administrator of the restrictions, and to obtain the assistance of Department of Boating and Waterways in disseminating the notice of closure or restrictions.

Requests for commercial vessel restrictions will be forwarded from the local emergency manager (through the Operational Area, if activated) to the OES Regional Administrator. The OES Regional

Administrator will forward the request to the OES Director who will forward the request to the U.S. Coast Guard Marine Safety Office San Francisco Bay (MSO SFB).

Any state agency requiring vessel restrictions will contact the OES Director who, upon verification, will forward the request to the local Sheriff's Department, having jurisdiction over the waterway. Any actions concerning waterway restrictions will be coordinated with the Department of Boating and Waterways, U.S. Coast Guard, affected law enforcement and other concerned agencies. The OES Regional Administrator will activate the Regional Emergency Operations Center (REOC) to the extent necessary to coordinate the interests of local government the Department of Boating and Waterways and the U.S. Coast Guard MSO SFB.

**State of
Emergency**

The appropriate REOC will be activated and establish communications with all affected jurisdictions in the region. For flood and high water events the Department of Boating and Waterways and U.S. Coast Guard will be contacted by the OES Warning Center and requested to provide staffing at the REOC. Any actions concerning waterway restrictions will be coordinated with the Department of Boating and Waterways, U.S. Coast Guard, affected law enforcement and other concerned agencies.

If multiple REOCs are activated, the State Operations Center (SOC) will be activated and to coordinate activities between REOCs and with the U.S. Coast Guard MSO SFB.

Public Notifications

OES

OES will coordinate with the Department of Boating and Waterways, U.S. Coast Guard and affected jurisdictions to issue appropriate media information

**Dept. of
Boating**

and Waterways

Recreational vessel restrictions and/or advisories will be distributed to marinas through the Department of Boating and Waterways

**U.S. Coast
Guard**

Commercial vessel restrictions and/or advisories will be issued by the U.S. Coast Guard - Alameda.

Enforcement

**Non-commercial
recreational
vessels**

Enforcement of restrictions will be coordinated with local law enforcement agencies, where the restrictions apply.

**Commercial
Shipping**

The U.S. Coast Guard has the responsibility for enforcement of any restrictions on commercial vessel traffic and will coordinate their activities with OES during proclaimed emergencies.

Removal of Restrictions

Periodic Review Vessel restrictions and/or advisories will be issued for a set period of time determined by consultation with OES, Department of Boating and Waterways, U.S. Coast Guard and affected local jurisdictions. Prior to the expiration date of the restrictions and/or advisories, OES, Department of Boating and Waterways, the U.S. Coast Guard and affected local emergency managers, will issue a joint statement lifting the restrictions. Distribution of the statement will follow the same procedures previously outlined under public notifications.

